

SENATE BILL 2189  
By Springer

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 3, Part 3, relative to the basic education program and funding for teachers' salaries.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 3, Part 3, is amended by deleting existing Section 49-3-306 in its entirety, and by adding the following language as a new, appropriately designated section:

49-3-\_\_\_\_. Funding for Instructional Salaries.

(a) Notwithstanding any other provision of law to the contrary, for the 2000-2001 fiscal year each local education agency Basic Education Program component for professional education positions shall be increased by five percent (5%). Thereafter, the professional education positions' salary component for each local education agency shall be increased by a percentage representing the consumer price index (CPI) increase as of the end of the most recent year ending December 31 over the previous December 31.

(b) All funds appropriated pursuant to this section shall be used for professional personnel salary increases only. Local education agency

expenditures or distributions of the funds shall be determined by negotiation, where applicable, with the professional employee organization recognized pursuant to Title 49, Chapter 5, Part 6. It shall be a violation of this law for any local education agency to use such funds to supplant total local current operating funds.

(c) As part of the implementation of this section, each LEA shall establish a salary schedule for all professional education personnel that includes an established base salary for each two hundred (200) day school year. The base salary beginning point shall be a certificated teacher with a bachelor's degree and zero (0) years of teaching experience. Professional education personnel having more training and experience shall receive more than the established base salary for beginning teachers. Annually each LEA shall submit to the commissioner a report on the LEA's payment or expenditure of the salary funds. Each report shall include the amounts paid pursuant to the established annual salary schedule for the school year, supplements paid for extra duties, any additional compensation, salary or supplements paid for work beyond the two hundred (200) day school year, and all other compensation of any kind paid to professional education personnel during or after the regular school year. Each LEA's annual salary report shall be available to the public within ten (10) days of the date the reports are submitted to the commissioner. The commissioner shall be entitled to specify the form of the reports and whether additional reports or documentation will be required.

(d) No member of any LEA's professional education staff shall suffer a reduction in salary from one year to the next. The local board of education shall be allowed to adjust the salaries of one (1) or more certificated employees when it becomes necessary for the LEA to place one (1) or more salaries in a fairer

relationship to the salaries of other certificated personnel with comparable tenure, responsibility, training and experience. Such adjustments shall only be made after the LEA has held a public hearing with the affected personnel and reported the results of the hearing to the commissioner. Actual reductions of professional education staff salaries shall become effective only after the commissioner completes a full review of the facts and circumstances and gives written authorization for the reduction. This procedure shall not be used to reduce, modify or adjust any salary, supplement or wage that has been negotiated or protected pursuant to the provisions of Title 49, Chapter 5, Part 6.

(e) At the close of each fiscal year, any unexpended balance of salary funds appropriated pursuant to this section shall be carried forward into the subsequent fiscal year and shall be budgeted and expended for salary increase purposes only. Nothing contained in this section shall be construed to be a limitation or constraint on the bargaining of negotiated salary schedules in LEA's with a recognized professional employees' organization.

(f) Nothing in this section shall prevent any LEA from supplementing salaries from its own local funds. Any board of education may increase the salaries, supplements and wages of its employees at any time during the course of a school year upon the basis of a new or amended contract or renegotiations, if in so doing the LEA does not exceed its budget as adopted or amended.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.